

Message Text

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ACTION DLOS-06

INFO OCT-01 ISO-00 COA-02 EB-11 IO-14 OIC-04 SWF-02 FEA-02

JUSE-00 INT-08 COME-00 DOTE-00 NSF-04 OMB-01 TRSE-00

AGR-20 ACDA-19 AEC-11 CG-00 FMC-04 EPA-04 CIAE-00

DODE-00 PM-07 H-03 INR-10 L-03 NSAE-00 NSC-07 PA-04

RSC-01 PRS-01 SP-03 SS-20 USIA-15 AF-10 ARA-16 EA-11

EUR-25 NEA-10 DRC-01 SCI-06 CEQ-02 /268 W

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R 181928Z APR 74

FM AMEMBASSY NASSAU

TO SECSTATE WASHDC 5470

UNCLAS SECTION 1 OF 2 NASSAU 704

E. O. 11652: N/A

TAGS: MARR PFOR BF

SUBJ: LOS: NASSAU PRESS PUBLICIZES U.S. LOBSTER DECLARATION

REF: STATE 1608 AND STATE 6269

1. THERE FOLLOWS TEXT OF FRONT PAGE FEATURE STORY HEADLINED, "NEW U.S. LAW WILL PROTECT ITS LOBSTER" WHICH APPEARED IN NASSAU TRIBUNE ON APRIL 16. EMBASSY WOULD APPRECIATE RECEIVING COPY OF ARTICLE IN MARCH ISSUE OF NATIONAL FISHERMAN ON WHICH STORY IS BASED.

2. NOTE: TRIBUNE CORRESPONDENT IS NOT KNOWN AS LOS EXPERT. INTERPRETATIVE COMMENTS IN STORY, I.E., THAT IMPLEMENTATION OF BAHAMIAN ARCHIPELAGO CONCEPT ITSELF WOULD MAKE REMOVAL OF LOBSTER FROM BAHAMIAN SHELF AREAS ILLEGAL, AND THAT CONFLICT WITH FLORIDA-BASED FISHERMEN STEMS FROM US SHELF CLAIM, AS FAR AS WE KNOW ARE ORIGINAL WITH HER. GCOB POSITIONS ON ARCHIPELAGOES AND SEABEDS ARE SEPARATE AND DO MAKE APPROPRIATE DISTINCTIONS ABOUT RESOURCE CONTROL WITHIN OR BEYOND AREAS OF

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NATIONAL JURISDICTION. CONFLICT WITH US-BASED CUBAN FISHERMEN

IS RESULT OF CONTINUED US-BASED FISHING INSIDE BAHAMIAN CFZ.

3. BEGIN ARTICLE TEXT:

THE US GOVERNMENT, CONCERNED OVER THE INTRUSION OF FOREIGN LOBSTER FISHERMEN, HAS DECLARED THE NORTHERN LOBSTER A CREATURE OF THE CONTINENTAL SHELF.

THE NEW LEGISLATION GIVES THE COAST GUARD THE ENFORCEMENT AUTHORITY TO NOW SEIZE FOREIGN VESSELS CAUGHT DESTROYING US LOBSTER GEAR, FISHING INTENTIONALLY FOR LOBSTERS OFF THE NORTHEAST COAST OF THE US, OR FISHING IN AREAS WHERE LARGE POPULATIONS OF LOBSTER ARE KNOWN TO EXIST.

IN ADDITION TO SEIZURE OF THEIR VESSELS, FOREIGNERS ARE NOW LIABLE FOR EXTENSIVE FINES FOR VIOLATIONS.

FACED WITH A SIMILAR SITUATION IN ITS OWN WATERS, THE BAHAMAS IS HOPING TO WIN APPROVAL AT THIS YEAR'S LAW OF THE SEA CONFERENCE TO ENFORCE THE ARCHIPELAGIC PRINCIPLE. THE EFFECT OF THIS WOULD BE TO MAKE ILLEGAL THE REMOVAL OF LOBSTER FROM THE CONTINENTAL SHELF SURROUNDING THE BAHAMAS.

AT PRESENT THE 12-MILE FISHING LIMIT BEING ENFORCED BY THIS COUNTRY TO A LARGE EXTENT EXCLUDES THE CONTINENTAL SHELF, WHICH BAHAMIANS HAVE TRADITIONALLY REGARDED THE ISLANDS"

BOUNDARY.

'SHELF' THEORY: AN ARTICLE ON THE EFFECT OF THE US DECLARATION WAS CARRIED IN THE MARCH ISSUE OF "NATIONAL FISHERMAN."

THE ARTICLE POINTS OUT THAT INTERNATIONAL CONVENTIONS HELD IN GENEVA, SWITZERLAND IN THE 1950S, HELD THAT CERTAIN TYPES OF MARINE ANIMALS COULD BE DECLARED "CREATURES OF THE CONTINENTAL SHELF".

CREATURE OF THE SHELF STATUS AFFORDS PROTECTION TO SPECIES THUS CATEGORIZED, BECAUSE THEY BECOME THE EXCLUSIVE PROPERTY

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OF THE NEAREST NATIONAL ADJOINING THE SHELF.

(IT IS THIS ASPECT WHICH HAS BROUGHT THE BAHAMAS INTO CONFLICT WITH FLORIDA FISHERMEN, WHO FEEL THEY ARE WITHIN THEIR RIGHTS IN FISHING ON THE CONTINENTAL SHELF).

BUT IN ORDER TO QUALIFY FOR THIS PROTECTIVE STATUS, A SPECIES MUST LIVE IN CONSTANT PHYSICAL CONTACT WITH THE OCEAN

FLOOR. UNTIL NOW, LOBSTERS, WHICH SOMETIMES ESCAPE DANGER BY SWIMMING OFF THE BOTTOM FOR SHORT DISTANCES, DID NOT QUALIFY AS CREATURES OF THE SHELF.

IN 1960, US VESSELS HARVESTED VIRTUALLY 100 PER CENT OF THE SEAFOOD TAKEN OFF THE NORTHEAST COAST OF THE US CREATURE-OF-THE-SHELF PROTECTION FOR LOBSTERS DID NOT SEEM IMPORTANT.

DECIMATED: BY 1972, DESPITE RECORDED SEAFOOD LANDING, US VESSELS HARVESTED LESS THAN 20 PERCENT OF THE CATCH TAKEN FROM THE SAME AREA.

DURING LITTLE MORE THAN A DECADE, FOREIGN VESSELS DECIMATED THE RICH HADDOCK STOCKS ON GEORGES BANKS SO BADLY THAT MANY MARINE BIOLOGISTS NOMINATED THE SPECIES FOR THE ENDANGERED LIST.

AS POPULATIONS OF HERRING AND COD DECLINED SHARPLY, AND LOBSTER POPULATIONS BEGAN TO DETERIORATE AS WELL, PRESSURE FROM DOMESTIC FISHERMEN TO PROTECT MARINE RESOURCES OFF THE NORTHEAST COAST OF THE UNITED STATES SOARED.

PROPOSALS/ IN AN EFFORT TO PROTECT THE REMAINING FISHERIES RESOURCE IN THE NORTHWEST ATLANTIC, MANY CONGRESSMEN REQUESTED UNILATERAL ACTION BY THE FEDERAL GOVERNMENT. MOST LEGISLATIVE PROPOSALS MADE TO DATE CENTRE AROUND ONE OF THE FOLLOWING CONCEPTS:

(1) THE US SHOULD DECLARE JURISDICTION OVER ALL FISHING ACTIVITIES WITHIN 200 MILES OF ITS SHORES.

(2) THE US SHOULD DECLARE THE LOBSTER A CREATURE OF THE SHELF.

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BOTH PROPOSALS HAVE BEEN OPPOSED BY US INTERESTS. DISTANT WATER FISHERMEN, ESPECIALLY THROUGH THE TUNA LOBBY HAVE POINTED OUT THAT IF THE US DECLARES A 200-MILE LIMIT IT WILL HAVE TO RECOGNIZE SIMILAR JURISDICTIONAL LIMITS BY OTHER NATIONS. THIS MIGHT CRIPPLE TUNA FISHING OPERATION IN CERTAIN AREAS.

THE STATE DEPARTMENT ALSO OPPOSED THE 200-MILE LIMIT AS IT COULD HALT ITS SPYING ACTIVITIES, "THE NATIONAL FISHERMAN" CLAIMS.
SPIERS

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TO SECSTATE WASHDC 5471

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AGREEMENT: SEVERAL YEARS AGO, IN AN EFFORT TO AVOID CONFRONTATION ON THE LOBSTER'S STATUS, THE STATE DEPARTMENT NEGOTIATED AGREEMENTS WITH ALL OF THE MAJOR FISHING NATIONS OF THE NORTHWEST ATLANTIC.

EACH OF THE FOREIGN NATIONS AGREED THAT THEIR VESSELS WOULD NOT FISH FOR LOBSTER EXCLUSIVELY, AND THAT THEY WOULD ONLY KEEP SMALL AMOUNTS OF LOBSTER TAKEN AS AN "INCIDENTAL CATCH" WHILE FISHING FOR OTHER SPECIES.

THESE COMPROMISE AGREEMENTS, ALTHOUGH THEY PERSISTED FOR SEVERAL YEARS, DID LITTLE TO QUELL THE GROWING RESENTMENT AMONG US FISHERMEN. LOBSTER TRAPS, THE FIXED TYPE OF GEAR MOST OFTEN USED BY DOMESTIC FISHERMEN, WERE FREQUENTLY RAIDED BY FOREIGN VESSELS.

NO POWER: EVEN WHEN THE COAST GUARD DID OBSERVE TRAP RAIDING, THEY HAD NO POWER OF SEIZURE AND HAD TO REFER SUCH INCIDENTS TO THE STATE DEPARTMENT. THE STATE DEPARTMENT SOMETIMES IGNORED THE MATTER, AND EVEN WHEN THE DEPARTMENT DID COMPLAIN

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TO THE GOVERNMENT OF THE NATION INVOLVED, US FISHERMEN WERE
RARELY REIMBURSED.

IN ADDITION TO DESTROYING US GEAR, FOREIGN VESSELS HAVE
WIDELY ABUSED THE CONCEPT OF INCIDENTAL CATCHES, SAYS "NATIONAL
FISHERMAN". DOMESTIC FISHERMEN WIDELY REPORT FOREIGNERS FOR
HARVESTING LOBSTER.

THE US COMMERCE DEPARTMENT ESTIMATES THAT 16 TO 22 MILLION
LBS. OF LOBSTER GO ASHORE IN FOREIGN PORTS EACH YEAR LANDED
BY FOREIGN VESSELS ACTIVE IN THE NORTHWEST ATLANTIC.
SPIERS

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